

**OPINION**  
**45-151**

August 17, 1945            (OPINION)

INSURANCE

RE:    Group

This will acknowledge your letter of August 14, enclosing a letter written by F.L. Conklin, president of the Provisions Life Insurance Company, to the Honorable Oscar E. Erickson, dated August ninth, and a photostatic copy of a letter written by Mr. Conklin to C.L. Young, attorney, Bismarck, North Dakota, under date of July twenty-sixth, and Mr. Young's reply to Mr. Conklin under date of August sixth.

I have carefully read the entire correspondence and studied the statutes referred to in Mr. Conklin's letter to Mr. Young, and considered very carefully by Mr. Young in his letter to Mr. Conklin. I can see nothing in section 26-1110 of the North Dakota Revised Code of 1943 to prohibit the adoption of a group insurance plan, as proposed in the letter of Mr. Conklin. That section was undoubtedly aimed at secret additional compensation for services rendered. Social Security benefits are not paid as compensation for services rendered, but are paid really as insurance bought and paid for by the recipient or by another for his benefit. I agree with the opinion given by Mr. Young to Mr. Conklin under date of August 6, 1945.

I return herewith Mr. Conklin's letter to Mr. Erickson and the photostatic copy of the letter written to Mr. Young by Mr. Conklin, and Mr. Young's letter to Mr. Conklin.

NELS G. JOHNSON

Attorney General